

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

IN THE MATTER OF THE	§	
COMPLAINT OF KIRBY INLAND	§	
MARINE, LP, OWNER OF THE	§	C.A. NO. 4:14-cv-1321
M/V MISS SUSAN, KIRBY 27705,	§	Admiralty – Rule 9(h)
KIRBY 27706 PETITIONING FOR	§	
EXONERATION FROM OR	§	
LIMITATION OF LIABILITY	§	

Consolidated with

IN THE MATTER OF THE	§	
COMPLAINT OF SEA GALAXY	§	
MARINE S.A., AS OWNER OF	§	C.A. NO. 3:14-cv-00134
OF THE M/V SUMMER WIND	§	Admiralty – Rule 9(h)
PETITIONING FOR	§	
EXONERATION FROM OR	§	
LIMITATION OF LIABILITY	§	

**MOTION FOR ORDER APPROVING PETITIONERS’
AFFIDAVIT OF VALUE AND AMENDED
AD INTERIM STIPULATION/LETTER OF UNDERTAKING**

COME NOW, Petitioner Sea Galaxy Marine, S.A. and Intervenor-Petitioner Cleopatra Shipping Agency, Ltd. (collectively, “Petitioner”), as owner and/or owner *pro hac vice* of the M/V SUMMER WIND, appearing through undersigned counsel, and move for the relief provided in 46 U.S.C. § 30501 *et seq.* and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure – specifically, the Court’s approval of: (1)

Petitioners' Affidavit of Value;¹ and (2) Petitioners' Amended *Ad Interim* Stipulation/Letter of Undertaking, which shall replace and supersede any and all *Ad Interim* Stipulations/Letters of Undertaking previously submitted by Sea Galaxy Marine, S.A. and/or Cleopatra Shipping Agency, Ltd. in this proceeding.²

¹ The Affidavit of Value was previously submitted by Sea Galaxy [Dkt. 1-1] and approved by the Court [Dkt. 5]. Cleopatra subsequently submitted the same Affidavit of Value in support of its petition for exoneration from and/or limitation of liability [Dkt. 428, p. 48], and, out of an abundance of caution, Petitioners request the Court's entry of an order approving the Affidavit of Value as to the limitation actions filed by both Sea Galaxy and Cleopatra.

² A copy of Petitioners' Amended Ad Interim Stipulation for Value/Letter of Undertaking is attached hereto as Exhibit 1.

Respectfully submitted,

/s/ Dimitri P. Georgantas

Dimitri P. Georgantas

Attorney-in-Charge

Federal I.D. No. 2805

Texas State Bar No. 07805100

Kevin P. Walters

Federal I.D. No. 5649

Texas State Bar No. 20818000

Eugene W. Barr

Federal I.D. No. 1144784

Texas State Bar No. 24059525

801 Travis Street, Suite 1910

Houston, Texas 77002

Telephone: 713.546.9800

Facsimile: 713.546.9806

Email: georgantas@chaffe.com

walters@chaffe.com

barr@chaffe.com

ATTORNEYS FOR PETITIONER
SEA GALAXY MARINE, S.A. and
INTERVENOR-PETITIONER
CLEOPATRA SHIPPING AGENCY,
LTD.

OF COUNSEL:
CHAFFE McCALL, L.L.P.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2014, I served a true and correct copy of the foregoing Motion for Order Approving Petitioners' Affidavit of Value and Amended *Ad Interim* Stipulation/Letter of Undertaking pursuant to Rule 5 of the Federal Rules of Civil Procedure, via the CM/ECF system and/or electronic mail and/or by depositing in the United States Mail, postage prepaid and properly addressed to all known counsel of record:

Dennis John Sullivan
Stepp Sullivan PC
1010 Lamar Street, Suite 810
Houston, Texas 77002

Anthony G. Buzbee
THE BUZBEE LAW FIRM
JP Morgan Chase Tower
600 Travis Street, Suite 7300
Houston, Texas 77002

Sean E. O'Rourke
SIMON O'ROURKE LAW FIRM, PC
11550 Fuqua, Suite 360
Houston, Texas 77034

Dicky Grigg
Rick Leeper
SPIVEY & GRIGG, LLP
48 East Avenue
Austin, Texas 78701

Frank C. Dudenhefer, Jr.
THE DUDENHEFER LAW FIRM, LLC
5200 St. Charles Avenue
New Orleans, Louisiana 70115

Calvin C. Fayard, Jr.
CALVIN C. FAYARD, JR., PC
519 Florida Avenue, SW
Denham Springs, Louisiana 70726

Cory D. Itkin
ARNOLD & ITKIN, LLP
6009 Memorial Drive
Houston, Texas 77007

Robert Edward Booth
MILLS SHIRLEY, LLP
2228 Mechanic Street, Suite 400
Galveston, Texas 77550

Javier Luis Herrera
THE HERRERA LAW FIRM, INC.
111 Soledad Street, Suite 1900
San Antonio, Texas 78205

Timothy Wayne Strickland
FOWLER RODRIGUEZ
1331 Lamar, Suite 1560
Houston, Texas 77010

Keith Bernard Letourneau
BLANK ROME, LLP
700 Louisiana, Suite 4000
Houston, Texas 77002

Mitchell Edward McCrea
BARON & BUDD, PC
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219

James D Nebout
Burwell Nebout
1501 Amburn Road, Suite 9
Texas City, Texas 77591

Frederick W Swaim
Galloway Johnson Tompkins Burr Smith
701 Poydras Street, 40th Floor
New Orleans, Louisiana 70139

Allen Dwayne Hemphill
Brown Sims PC
1177 W Loop South, 10th Floor
Houston, Texas 77027

A.Craig Eiland
Law Offices of A. Craig Eiland, P.C.
Old Galveston Square
2211 Strand, Suite 201
Galveston, Texas 77550

Brandon J. Taylor
David Parsiola
Cossich Sumich et al
8397 Highway 23, Suite 100
Belle Chase, Louisiana 70037

Frank Herrera
Attorney at Law
111 Soledad, Suite 1900
San Antonio, Texas 78205

Jimmy Williamson
Williamson & Rusnak
4310 Yoakum Blvd
Houston, Texas 77006

William A Durham
Eastham Watson Dale & Forney
808 Travis Street, Suite 1300
Houston, Texas 77002

Michael T Howell
Howell Law Firm
4309 Yoakum Blvd, Suite 3000
Houston, Texas 77006

/s/ Dimitri P. Georgantas
Dimitri P. Georgantas